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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,534	01/31/2000	Kimitaka Murashita	1080.1078/JDH	3593

21171 7590 03/29/2002

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EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Up

Office Action Summary

Application No.

09/494,534

Applicant(s)

MURASHITA ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The one-word form "anyone" is used throughout the specification to mean "whatever one (thing)" instead of the two-word form "any one".

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10a, 10b, and 10c. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-8, 12-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by McLaughlin et al., [US 5739809], patented on 04/14/1998.

As per independent claim 1, "a display characteristics recognition apparatus comprising: signal output means connected to a display unit for displaying an image

according to a signal entered....., and color name input means for entering a name of a color displayed on said display unit ..., and display characteristics identification means for determining display characteristics” Mclaughlin et al. discloses in col. 4 lines 58-67, and column 5 lines 25-30.

With respect to dependent claim 2, “...wherein said display characteristics identification means determines, as the display characteristics, a relationship between a signal representative of a white image and a color of an image displayed on said display unit in accordance with the signal.” Mclaughlin et al. discloses in col. 7 lines 1-5, 12-15.

With respect to dependent claim 3, “...wherein said display unit is selectively set up to anyone of a plurality of display characteristics, and said display characteristics identification means determines display characteristics to which said display unit is now set up.” Mclaughlin et al. discloses in col. 7 lines 1-5, 34-39.

With respect to dependent claim 4, “...wherein said display unit is a display in which an image is displayed through emission of light, and said display characteristics identification means determines, as the display characteristics, luminance of said display.” Mclaughlin et al. discloses in col. 15 lines 37-43.

With respect to dependent claim 6, "...wherein said color name input means enters a name of a color selected from among a plurality of colors perceived as mutually different colors in name." McLaughlin et al. discloses in col. 8 lines 61-67.

With respect to dependent claim 7, "...wherein said signal output means outputs a plurality of color chart signals each representative of a monochrome figure to said display unit; said color name input means enters a name of a color of each of a plurality of monochrome figures; and said display characteristics identification means determines display characteristics ..." McLaughlin et al. discloses in col. 14 lines 5-50.

With respect to dependent claim 8, "...wherein said signal output means outputs one of the plurality of color chart signals, and thereafter outputs, of the plurality of color chart signals, a color chart signal according to the name entered through said color name input means to said display unit." McLaughlin et al. discloses in col. 14 lines 5-50.

With respect to dependent claim 12, "...wherein said display characteristics recognition apparatus further comprises profile producing means for generating data representative of display characteristics determined by said display characteristics identification means in a predetermined format to produce a profile representative of characteristics as to display of an image by said display unit including the data." McLaughlin et al. discloses in col. 16 lines 6-10.

With respect to dependent claim 13, "...wherein said display characteristics recognition apparatus further comprises: profile storage means for storing various sorts of profiles each representative of characteristics as to display of an image by a display unit including data indicative of various display characteristics in a common format; and profile selection means for selecting one profile from among the various sorts of profiles stored in said profile storage means in accordance with the display characteristics determined by said display characteristics identification means." McLaughlin et al. discloses in col. 16 lines 23-29, and lines 34-41.

With respect to independent claim 14, "a display characteristics recognition program storage medium storing a display characteristics recognition program comprising: signal output means connected to a display unit ...; and color name input means for entering a name of a color displayed on said display unit ...; and display characteristics identification means for determining display characteristics of said display unit ..." McLaughlin et al. discloses in col. 6 lines 6-9.

With respect to independent claim 15, "a computer system comprising: a display unit for displaying an image according to a signal entered...; a main frame unit for outputting to said display unit a color chart signal representative of a monochrome figure and color name signals...; and input unit for entering a color name selected from among said plurality of color names to said main frame unit in accordance with an operation, wherein said main frame unit determines display characteristics of said display unit in accordance

with the color chart signal outputted toward said display unit and the color name entered through said input unit.” McLaughlin et al. discloses in abstract line 1-28.

With respect to independent claim 18, “a computer system comprising:
a display unit for displaying an image according to a signal entered, said display unit displaying on a luminous display basis ...; a main frame unit for outputting to said display unit ...; and input unit for selectively entering a monochrome figure displayed with a color of the specified color name of the plurality of monochrome figures displayed on said display unit, to said main frame unit in accordance with an operation, wherein said main frame unit determines luminance of said display unit in accordance with the color chart signal outputted toward said display unit and the monochrome figure entered through said input unit.” McLaughlin et al. discloses in col. 15 lines 37-65.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. in view of reference Tanaka [US 5943036].

Regarding claim 9, McLaughlin et al. disclose the instant claimed invention except for outputting a signal to display unit, causing black to be displayed around the monochrome

figure displayed on said display unit according to the color chart signal. Tanaka discloses the output means outputs to display unit a signal causing black to be displayed around the monochrome figure displayed on display unit according to the color chart [col. 6 lines 52-60 and Fig. 4 and 5].

Regarding claim 10, McLaughlin et al. disclose the instant claimed invention except for outputting a signal to display unit, causing gray to be displayed around the monochrome figure displayed on said display unit according to the color chart signal and further causing black to be displayed around the gray. Tanaka discloses the output means outputs to display unit a signal causing gray to be displayed around the monochrome figure displayed on display unit according to the color chart and further causing black to be displayed around the gray. [col. 6 lines 52-60 and Fig. 4 and 5].

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 11, 16, 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 20- 22, phrase “a color of an adjacent area as to colors adjacent to one another on a chromaticity diagram of a plurality of colors perceived as mutually

different colors in name” does not clearly state that colors adjacent to one another actually belong to mutually different categorical areas.

Regarding claims 11 and 16, phrase “a series of colors in adjacent areas for two sorts of colors adjacent to one another on a chromaticity diagram are displayed” is unclear. It is not clear that these two sorts of colors adjacent to one another actually belong to mutually different categorical areas.

Regarding claim 19, phrase “persons of a predetermined ratio and up” is unclear.

Regarding claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any this communication or earlier communications from the examiner should inquiry concerning be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, **Michael Razavi** can be reach at **703-305-4713**.
11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231


Art Unit: 2672

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

12. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

**Faranak Fouladi-Semnani
Patent Examiner
Art Unit 2672**


JEFFERY BRIER
PRIMARY EXAMINER